

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION**

DELOIS PIPPEN, as Special Administratrix of
the Estate of Lucille G. Billings, deceased, and
on behalf of the wrongful death beneficiaries
of Lucille G. Billings; and
On Behalf of All Others Similarly Situated

PLAINTIFFS

vs.

CASE NO.: 1:16-cv-01069-SOH

PINEWOOD HEALTH AND REHABILITATION, LLC;
Arkansas SNF Operations Acquisition, LLC;
Arkansas Nursing Home Acquisition, LLC;
CSCV Holdings, LLC; Capital Funding Group, Inc.;
SLC Professionals, LLC; SLC Professionals AR7, LLC;
SLC Professionals Holdings, LLC; SLC Operations Holdings, LLC;
SLC Operations, LLC; SLC Administrative Services of Arkansas, LLC;
Senior Living Communities of Arkansas, LLC; Addit, LLC;
SLC Operations Master Tenant, LLC; SLC Properties, LLC;
1101 Waterwell Road, LLC; CSCV Arkansas Realty, LLC;
Alan Zuccari; Brian Reynolds; John W. Dwyer; Daniel Baird;
Troy Morris, in his capacity as Administrator of
Pinewood Health and Rehabilitation, LLC;
Emily Greene, in her capacity as Administrator of
Pinewood Health and Rehabilitation, LLC;
Carol Hoelscher, in her capacity as Administrator of
Pinewood Health and Rehabilitation, LLC; and
Barney L. Pierce, in his capacity as Administrator of
Pinewood Health and Rehabilitation, LLC

DEFENDANTS

PLAINTIFF'S MOTION TO STAY PROCEEDINGS

COMES NOW, the Plaintiffs, by and through their attorneys, Reddick Moss, PLLC, and
for their Motion Stay Proceedings, states as follows:

1. On March 15, 2017, this Court entered an Order denying Plaintiff's Motion to Compel. On March 27, 2017, pursuant to 28 U.S.C. § 1453(c)(1), Plaintiff filed a Petition for Permission to Appeal in the United States Court of Appeals for the Eighth Circuit. *See Exhibit A*, file marked Petition for Permission to Appeal.

2. Plaintiff respectfully requests that the Court enter an Order staying this matter pending the Petition for Permission to Appeal. Plaintiff's Motion to Remand is a preliminary

jurisdictional issue. If it is ultimately determined after appellate review that this Court lacks jurisdiction over Plaintiff's local controversy, Plaintiff would be harmed by being forced to proceed with her case in this Court. Respectfully it is Plaintiff's position that it will be ultimately determined after appellate review that this Court lacks jurisdiction over a controversy relating solely to care provided to Lucille Billings and other residents at Pinewood Health and Rehabilitation Center, a nursing home in Crossett, Arkansas.

3. This request includes staying the entire case including Plaintiff's pending response to Defendants' Motion for Judgment on the Pleadings as to Class' Claims that is currently due by April 6, 2017. Furthermore, Plaintiff's Response to the Motion for Judgment on the Pleadings should be stayed because a district judge from the Eastern District of Arkansas recently certified questions to the Arkansas Supreme Court regarding the Arkansas Deceptive Trade Practices Act and its "safe harbor" provision that are relevant and could be essential to deciding several of the issues raised in Defendants' Motion for Judgment on the Pleadings. *See* February 7, 2017 Order in the matter of *Air Evac EMS, Inc. v. Usable Mutual Insurance Co. d/b/a Arkansas Blue Cross Blue Shield*, E.D. Ark. Case No. 4:16-CV-00266 BSM attached hereto as **Exhibit B**.

4. Given the fact that the Court's ruling on the remand issue is jurisdictional and that there are pending questions certified to the Arkansas Supreme Court pertinent to Defendants' pending motion, Plaintiff respectfully requests that this matter be stayed pending the resolution of Plaintiff's Petition for Permission to Appeal this matter pending before the Eighth Circuit.

WHEREFORE, Plaintiff requests that her Motion be granted and that this matter be stayed pending resolution of the Petition for Permission to Appeal currently pending before the Eighth Circuit and for all other relief to which she may be entitled.

Respectfully submitted,

Delois Pippen, as Special Administratrix of the
Estate of Lucille G. Billings, deceased, and on behalf

of the wrongful death beneficiaries of Lucile G. Billings and on behalf of all other similarly situated

/s/ Robert W. Francis

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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2017, the foregoing was electronically filed with the court which shall sent notification of such filing to the following:

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